

Remarks

After entry of the present Amendment, claims 1-3, 5-9, 12-17, 19-20, 23-25 are pending in the present application with claims 1, 8, and 15 in independent form. Claims 1, 8, 14, 15, 20, 23, and 24 are currently amended. Claims 10, 21, and 26 are currently cancelled.

Claims 1-3, 5-10, 12-17, 19-21, and 23-27 currently stand finally rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,752,345 to Bright et al. (hereinafter Bright et al.). Claims 1-3, 5-10, 12-17, 19-21, and 23-27 currently stand finally rejected under 35 U.S.C. §103(a) as being unpatentable over Bright et al. in view of U.S. Patent No. 6,079,160 to Bonds.

The Applicant respectfully disagrees with the Examiner's application of Bright et al. to independent claims 1, 8, and 15 for the reasons set forth below. In addition, independent claims 1, 8, and 15 are currently amended, as discussed further below, in an effort to expedite prosecution.

Independent Claim 1

Rejection of Claim 1 Under §102 Over Bright et al.

First, the Applicant respectfully asserts that Bright et al. fails to teach “a plurality of apertures each having a common first configuration...disposed only within said first region” and “a plurality of transverse slits each having a common second configuration...disposed only within said second region,” as claimed in independent claim 1.

The Examiner interprets Bright et al. such that the slits 32 of Bright et al. are the apertures of claim 1 and the slits 36 of Bright et al. are the transverse slits of claim 1. On page 3 of the Final Office Action it appears as though the Examiner asserts that the slits 32 in the region that the Examiner labels as the “1st region” are different than the slits 32 in the region that the Examiner labels as the “2nd region” because the slits 32 in the second region are “longer on the bottom” than the slits 32 in the first region.

The Applicant respectfully disagrees and asserts that the slits 32 in the “1st region” and the slits 32 in the “2nd region” have a common configuration and, as such, Bright et al. fails to teach “a plurality of apertures each having a common first configuration...disposed only within said first region.”

Specifically, the slits 32 in the “1st region” have the same exact shape as the slits 32 in the “second region.” It is also notable that Bright et al. also considered the slits 32 in the “1st region” as having the same configuration as the slits in the “2nd region” as evidenced by the fact that Bright et al. labeled all of the slits 32 with a common element number and because Bright et al. discusses all of the slits 32 as common features in the specification. If Bright et al. considered the slits 32 to be different in the “1st region” and the “2nd region” then Bright et al. would have labeled the different features with different element numbers and would have discussed the differences in the specification.

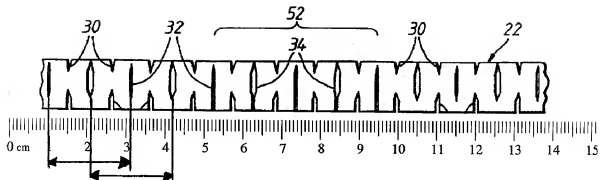
Further, an argument that the slits 32 in the “2nd region” are longer than the slits 32 in the “1st region” by a very slight amount, if at all, is not sufficient to render the slits 32 as having of a different configuration that facilitates a different flexibility as required by the independent claims of the subject application. Even if there is a very slight difference, if any, in length between the slits 32 in the “1st region” and the “2nd region,” the difference is so slight that the slits 32 have the same appearance and flexibility in the “1st region” and the “2nd region.” For these reasons, the Applicant respectfully asserts that Bright et al. fails to teach “a plurality of apertures each having a common first configuration...disposed only within said first region,” and, as such, respectfully asserts that the present rejection of independent claim 1 over Bright et al. is improper.

Despite the arguments above, the Applicant has amended independent claim 1 set forth additional novel and nonobvious features not taught by Bright et al. First, the Applicant respectfully asserts that Bright et al. fails to teach a plurality of apertures each having a common first configuration and “being spaced from each other along said width of said base

and being spaced from each other along said width of said legs,” as claimed in amended independent claim 1. With reference to Figures 9 and 10 of Bright et al., as relied upon by the Examiner, the only features that could be interpreted as a plurality of apertures being spaced along the width of the legs are the slits 30 and the slits 36. However, the slits 30 and the slits 36 do not have a common configuration as claimed in claim 1. In contrast, the slits 36 are disposed entirely on the leg while the slits 30 bend at a right angle from the leg to the base. Further, the portion of the slit 30 disposed on the leg is much shorter than the slit 36. As such, the Applicant respectfully asserts that the slits 30 and the slits 36 cannot be interpreted to be a plurality of apertures each having a “common first configuration” as claimed in claim 1.

Further, it is clear from Figures 9 and 10 that the slits 32 are not “spaced from each other along said width of said legs” as claimed in amended independent claim 1. Likewise, the slits 34 are not “spaced from each other along said width of said legs” as claimed in amended independent claim 1. For the reasons set forth above, the Applicant respectfully asserts that Bright et al. fails to teach a plurality of apertures each having a common first configuration and “being spaced from each other along said width of said base and being spaced from each other along said width of said legs,” as claimed in amended independent claim 1. As such, the Applicant respectfully asserts that the amendment to independent claim 1 overcomes the present rejection over Bright et al.

The Applicant also respectfully asserts that, when taken in context with the rest of claim 1, Bright et al. fails to teach a plurality of apertures “being spaced a first distance along said length” and a plurality of slits “being spaced from each other a second distance along said length different than said first distance” as claimed in claim 1. Notably, the Examiner states on page 3 of the present Office Action that “the apertures (32) are spaced from each other at a first distance and the slits (34) are spaced from one another a second distance different from that of the first distance.” The Applicant respectfully disagrees and presents the following annotated version of Figure 10 of Bright et al.:



With reference to the scale in the annotated figure above, it is clear that the distance between the slits 32 is the same as the distance between the slits 34. As such, the Applicant respectfully asserts that Bright et al. fails to teach a plurality of apertures “being spaced a first distance along said length” and a plurality of slits “being spaced from each other a second distance along said length different than said first distance” as claimed in claim 1.

Finally, amended independent claim 1 claims the “width of said legs in said first longitudinally extending region being equal to said width of said legs in said second longitudinally extending region.” The Applicant notes that the Examiner previously relied on Figure 9 in the rejection of independent claim 1; however, with reference to the Examiner’s annotated Figure 9 in the present Office Action, the legs of the 1st region identified by the Examiner have a different width than the legs of the 2nd region identified by the Examiner. As such, Figure 9 cannot be properly used in the rejection of independent claim 1.

Rejection of Claim 1 Under §103 Over Bright et al. in view of Bonds

In light of the arguments and amendments to claim 1 presented above, the Applicant respectfully asserts that even if Bonds can be properly combined with Bright et al., Bonds fails to remedy the deficiencies of Bright et al. set forth above. As such, the combination of Bright et al. and Bonds fails to teach or suggest all the claim limitations, as is required to establish a *prima facie* case of obviousness.

For example, like Bright et al., Bonds fails to teach or suggest “a plurality of apertures each having a common first configuration...disposed only within said first region,” as claimed in claim 1. In contrast, Bonds teaches a single pattern of slits that extends along the length of the carrier.

Further, like Bright et al., Bonds also fails to teach or suggest a plurality of apertures each having a common first configuration and “being spaced from each other along said width of said base and said legs,” as claimed in claim 1. In contrast, none of the slits of Bonds are spaced from each other along the width of the base and the legs. Since the combination of Bright et al. and Bonds fails to teach, or even suggest, all the claim limitations of claim 1, the Applicants respectfully request that independent claim 1 is nonobvious over Bright et al. and Bonds.

Independent Claim 8

Rejection of Claim 8 Under §102 Over Bright et al.

The Applicant respectfully asserts that the present amendments to independent claim 8 overcome the rejection under Bright et al. The Applicant respectfully asserts that Bright et al. fails to teach a plurality of apertures as claimed in claim 8. Specifically, the Applicant respectfully asserts that Bright et al. fails to teach apertures having “a common size and shape” and “being spaced from each other along...said width of said base and said legs within said first region,” as claimed in claim 8.

As set forth above with reference to Figures 9 and 10 of Bright et al., the only features that could be interpreted as being spaced along the width of the legs are the slits 30 and the slits 36. However, the slits 30 and the slits 36 do not have a common size and shape as claimed in claim 8. In contrast, with reference to Figures 9 and 10, if the slit 30 is interpreted as only the portion of the slit 30 disposed on the leg, then the slit 30 is significantly shorter than the slit 36. Alternatively, if the slit 30 is interpreted as the entire slit 30, i.e., extending across the base and

onto both legs, then the slit 30 is significantly larger than the slit 36. In either interpretation of the slits 30, the slits 30 and the slits 36 do not have a “common size and shape,” as claimed in claim 8. Accordingly, the Applicant respectfully asserts that the amendment to independent claim 8 overcomes the present rejection over Bright et al.

Rejection of Claim 8 Under §103 Over Bright et al. in view of Bonds

In light of the arguments and amendments to claim 8 presented above, the Applicant respectfully asserts that even if Bonds can be properly combined with Bright et al., Bonds fails to remedy the deficiencies of Bright et al. set forth above. As such, the combination of Bright et al. and Bonds fails to teach or suggest all the claim limitations, as is required to establish a *prima facie* case of obviousness.

For example, like Bright et al., Bonds fails to teach or suggest apertures having “a common size and shape” and “being spaced from each other along...said width of said base and said legs within said first region,” as claimed in claim 8. As set forth above, none of the slits of Bonds are spaced from each other along the width of the base and the legs. Since the combination of Bright et al. and Bonds fails to teach, or even suggest, all the claim limitations of claim 8, the Applicants respectfully request that independent claim 8 is nonobvious over Bright et al. and Bonds.

Independent Claim 15

Rejection of Claim 15 Under §102 Over Bright et al.

Several of the arguments set forth in claim 1 are presented again with respect to claim 15 below. As such, the arguments repeated from claim 1 are presented in a condensed form below.

First, amended independent claim 15 claims the “width of said legs in said first longitudinally extending region being equal to said width of said legs in said second

longitudinally extending region.” The Applicant notes that the Examiner previously relied on Figure 9 in the rejection of independent claim 15; however, as set forth above with reference to the Examiner’s annotated Figure 9 in the present Office Action, the legs of the 1st region identified by the Examiner have a different width than the legs of the 2nd region identified by the Examiner. As such, Figure 9 cannot be properly used in the rejection of independent claim 15.

Further, with respect to Figure 10 of Bight et al., the Applicant respectfully asserts that Bright et al. fails to teach “a plurality of apertures disposed on said base and said legs *only in said first region*,” (emphasis added) as claimed in independent claim 15. First, with reference to Figure 10, the slits 30 and the slits 36 repeat across the entire length of the carrier and thus are not “only in said first region” or “only in said second region.” Accordingly, the slits 30 and the slits 36 cannot be properly interpreted as the “apertures” of claim 15.

Further, neither the slits 32 nor the slits 34 are “spaced...along said width of said base and said legs” as claimed in independent claim 15. In contrast, at any given point along the length of the carrier, no slit 32 is spaced from another slit 32 along the width of the leg and no slit 34 is spaced from another slit 34 along the width of the leg. Accordingly, since the apertures of claim 15 are required to be “spaced...along said width of said base and said legs,” neither the slits 32 nor the slits 34 can be properly interpreted as the “apertures” of claim 15. For these reasons, the Applicant respectfully asserts that Bright et al. fails to teach “a plurality of apertures disposed on said base and said legs only in said first region” as claimed in independent claim 15. As such, respectfully asserts that independent claim 15 is novel over Bright et al.

Rejection of Claim 15 Under §103 Over Bright et al. in view of Bonds

In light of the arguments and amendments to claim 15 presented above, the Applicant respectfully asserts that even if Bonds can be properly combined with Bright et al., Bonds fails

to remedy the deficiencies of Bright et al. set forth above. As such, the combination of Bright et al. and Bonds fails to teach or suggest all the claim limitations, as is required to establish a *prima facie* case of obviousness.

For example, like Bright et al., Bonds fails to teach or suggest apertures having “a plurality of apertures disposed on said base and said legs only in said first region,” and “a plurality of transverse slits disposed only in said second region,” as claimed in claim 15. In contrast, as set forth above, Bonds teaches a single pattern of slits that extends along the length of the carrier. Since the combination of Bright et al. and Bonds fails to teach, or even suggest, all the claim limitations of claim 15, the Applicants respectfully request that independent claim 15 is nonobvious over Bright et al. and Bonds.

In view of the foregoing, it is respectfully submitted that independent claims 1, 8, and 15, and the claims that depend therefrom, are both novel and nonobvious such that these claims are in condition for allowance, which allowance is respectfully requested. If any issue regarding the allowability of any of the pending claims could be readily resolved, or if other action could be taken to further advance prosecution, such as an Examiner’s Amendment, it is respectfully requested that the Examiner telephone the undersigned in this regard.

This Amendment is considered timely filed with a two-month extension of time pursuant to 35 U.S.C. §21(b) and the filing of a Request for Continued Examination. The Commissioner is authorized to charge our Deposit Account No. 08-2789 in the name of Howard & Howard Attorneys PLLC for any fees or credit the account for any overpayment for this matter.

Respectfully submitted,

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